

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HTP, INC.,

Plaintiff,

v.

FIRST MERIT GROUP HOLDINGS, INC., *et*
al.,

Defendants.

CASE NO. C21-0732-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

On December 22, 2021, the Court entered an order dismissing with prejudice Plaintiff's tort-based claims due to a lack of subject matter jurisdiction and its request for a declaratory judgment based on a lack of a justiciable controversy. (*See* Dkt. No. 64 at 4.) Plaintiff now moves to alter or amend the judgment under Rule 59(e), asserting the discovery of new evidence and a need to prevent manifest injustice. (Dkt. No. 66 at 6–10).

A Rule 59(e) motion may be granted if needed to (1) correct “manifest errors of law or fact” on which the judgment rests, (2) present newly discovered or previously unavailable evidence, (3) to prevent manifest injustice, or (4) amend the judgment due to “an intervening change in controlling law.” *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011).

1 Plaintiff's Rule 59(e) motion satisfies none of these criteria. There is no manifest error or
2 injustice, because Plaintiff's legal theories are still deficient for the same reasons the Court
3 described in its prior order. (*See generally* Dkt. Nos. 64, 66.) Plaintiff also relies on evidence that
4 is not newly discovered. (*See* Dkt. No. 68 at 5, 7–9.)

5 Accordingly, the Court DENIES Plaintiff's Rule 59(e) motion (Dkt. No. 66).

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7 DATED this 7th day of February 2022.

8 Ravi Subramanian
Clerk of Court

9 s/Sandra Rawski
10 Deputy Clerk
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